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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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No. 9

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WEEK IN REVIEW

HOUSE

The House amended and gave third reading to H.3145 which prohibits the teaching of Ebonics in the state's public elementary and secondary schools and state-supported institutions of higher learning. Amendments eliminate references to "Black English," and define "Ebonics" as a dialect made up of English vocabulary and an African structure and grammar.

By adopting H.3561, the House resolves to commission portraits of the Honorable Samuel J. Lee and the Honorable Robert Brown Elliott, the two African Americans who served as Speaker of the South Carolina House of Representatives. The portraits will be placed in the House chambers upon completion of the State House renovation.

Last week, two bills were enrolled for ratification which bring South Carolina into compliance with the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA), popularly known as the "Kennedy-Kassebaum Bill." S.287 accommodates provisions in the HIPAA which guarantee health insurance portability for individuals moving from group to individual coverage. Under the HIPAA, insurers in the individual market must offer coverage and accept enrollment of any eligible individual whose most recent coverage has been in the group market. S.287 takes advantage of provisions in the HIPAA which allow states to avoid direct imposition of federal mandates by creating acceptable alternative mechanisms. S.287 alters South Carolina's existing Health Insurance Pool to make it such an acceptable alternative mechanism. To that end, the bill shortens residency requirements, removes the current exclusion of HIV positive individuals, provides health coverage options, increases benefit level to one million dollars, lowers the premium cap from 300% to 200%, and eliminates the provision which allows extra premium charges in cases where a pre-existing medical condition is waived. The second bill, S.288, conforms state law to certain federal mandates in the HIPAA which must be put into effect no later than July 1, 1997, lest the Department of Insurance surrender certain regulatory authority of health insurance to federal agencies. The bill accomplishes the following: (1) limits the exclusion of pre-existing medical conditions from large and small group health insurance plans; (2) restricts an insurer's ability to establish eligibility rules for large and small group health insurance plans which are based upon such health status factors as disabilities, genetic information, history of domestic abuse, etc.; (3) guarantees availability of coverage in the small group market; (4) guarantees renewability of coverage in the large and small group markets and in multi-employer self-insured health plans; (5) enacts provisions of the federal Newborns and Mothers Protection Act of 1996 which require health insurers who cover hospitalization and attendant professional services for mothers and newborns to provide at least forty-eight hours of postpartum care following the day of a natural delivery and at least ninety-six hours of postpartum care following the day of a Cesarean Section; (6) provides parity in the application of certain limits to mental health benefits.

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The House amended and gave third reading to H.3100, which authorizes local school boards to excuse up to three school days missed because of snow or other extreme weather conditions. The House amended and gave third reading to H.3108 which requires at least twenty hours of pertinent education for licensure as a bail bondsman and at least six hours per year of continuing education for renewal of the license. The House amended and gave third reading to H.3121, which provides for the issuance of "*South Carolina: First in Golf*" license plates.

The House also gave third reading to H.3401 The Supplemental Appropriation Bill, H.3402 The Capital Reserve Appropriation Bill, and several other measures. H.3287 exempts agents licensed to sell pre-paid legal insurance from pre-licensing and continuing education requirements. Pre-paid legal insurance allows purchasers to pay a premium to cover the cost of certain legal services provided at a future date. H.3404 eliminates the requirement that the Public Service Commission adopt procedures that encourage public utilities providing gas services to invest in cost-effective energy conservation programs. Under the bill, public utilities providing gas services are no longer required to prepare integrated resource plans. H.3103 authorizes any agency or any person who does an early periodic screening, diagnosis and treatment screening (EPSDT) or other physical examination of a child to refer the child to an appropriate agency for an evaluation if the child may be helped by assistive technology. "Assistive technology" means a service or device used to maintain or improve the functional capacities of an individual with a disability. H.3286, as amended, adjusts qualifications for licensure as a massage/bodywork therapist. H.3135 allows a photograph of fish, game, or wildlife to be used as competent evidence of the wildlife or fish in any proceeding. H.3155 makes it unlawful to buy, sell, or possess for sale any wildlife native to this state, unless specifically allowed by law.

SENATE

The Senate received a recommendation from the Senate Operations and Management Committee that the Senate retain the desks and chairs which are currently in the Chamber. However, further information is to be received by the Committee regarding the cost of purchasing new desks, upfitting the existing desks, using the current desks and redesigning the sound system, and this information, when completed, will be used to arrive at a final decision on what is most cost effective and will be reported to the Senate.

H.3502, which bans partial-birth abortions in South Carolina, received third reading and was ordered enrolled for ratification. The Senate also gave third reading and sent to the House S.275, which requires that cats and dogs adopted from animal shelters must be sterilized, and provides that anyone who doesn't follow through on the requirement can have the animal taken away from them and be fined \$200, payable to the shelter or agency where the animal was adopted. The Senate also gave third reading and sent to the House S.24, which makes it legal to sell ferrets in South Carolina. The bill provides that business establishments which offer ferrets for sale must prominently display a notice not less than 8 inches by 11 inches which shall bear the following inscription in letters not less than 3/4 inches high: "FERRETS HAVE A PROPENSITY TO MAKE UNPROVOKED ATTACKS THAT CAUSE BODILY INJURY TO A HUMAN BEING."

The Senate also amended and gave third reading to H.3176, which concerns University of South Carolina athletics facilities revenue bonds. The bill was amended to provide a definition for "Special Student Fee."

The Senate also gave third reading and sent to the House S.16, which requires insurance policies and HMO's to pay for hospitalization for at least 48 hours following a mastectomy.

COMMITTEE ACTION

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

The Agriculture Subcommittee approved H.3522, which authorizes the use of electronic warehouse receipts, and H.3535, which revises the definition of a "public weightmaster" and makes it a crime to act as a public weightmaster or deputy public weightmaster without first being licensed.

The Environmental Affairs II Subcommittee adopted H.3303, which prohibits the shooting or hunting of big game from any public, paved road in Game Zones 1,2, and 4. Under the provisions of the bill, a person shooting or hunting for big game may not do so within fifty feet of the edge of the pavement of any paved road nor within any maintained right-of-way of such a road.

EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee met on March 11 and considered three bills. H.3226, which concerns suspension and expulsion proceedings against a student involved in a criminal offense in which another person is injured, was tabled. H.3007 received a favorable report with amendments and was adopted as a committee bill. This comprehensive bill includes amendments to current law concerning driver training; driver minimum age; conditions under which a beginner's permit is valid; provisional licenses; special restricted licenses; points against the holder of a beginner's permit or a restricted license; driver under 21 operating a motor vehicle with alcohol in his system; and operation of a farm truck. The bill was amended so as to provide that in order for an applicant to be eligible for a provisional license, that applicant must be enrolled in school or must have already earned a high school diploma, certificate, or a General Education Development Certificate, must have conformed to appropriate school attendance policies, and must not be suspended or expelled from school. The committee also added a technical amendment to define "implements of husbandry" as farm machinery and equipment, other than a passenger car. H.3223, which concerns qualification for in-state tuition at state-supported colleges and universities for any person who has been domiciled in S.C. for less than 12 months and who is permanently and totally disabled, was tabled.

The Highway General subcommittee met and considered ten bills. The subcommittee recommended an unfavorable report for H.3044, which requires display of a placard containing certain information on a motor vehicle before the registration and license plate are received, and provides fines for the display of inaccurate or false information. H.3162 received a favorable recommendation with amendments. This bill, which exempts antique motor vehicles from the reinsurance facility recoupment charge, was amended so as to clarify that the exemption provided is only for the antique vehicle. H.3174, which provides for the issuance of "charter limousine" license plates, received a favorable recommendation with amendment. The amendment makes the fee provided in the bill consistent with the fee currently charged for other special plates. The subcommittee considered two bills - H.3284 and S.262 - which delete the restriction that a Shriner may be issued only one special Shriner license plate. H.3284 received an unfavorable recommendation and S.262 received a favorable recommendation. H.3444, which provides for the issuance of a special license plate for members of the Marine Corps League, received a favorable recommendation. H.3341, which provides for the issuance of special license plates for members of the Sons of Confederate Veterans, received a favorable recommendation with amendments. The amendments delete the one plate limitation in the bill, and require that 300 applications for the special plate be received prior to making the plate. H.3300, which provides for the issuance of fraternity and sorority license plates, received a favorable recommendation with amendment. The amendment increases from 100 to 300 the number of applications for the special plate that are required before the plate is made.

The Primary and Secondary Education subcommittee considered two bills and one State Board of Education regulation. Debate was adjourned on both H.3532, which provides that it is the responsibility of the school district in which a child is placed in foster care or other living arrangements to provide for the child's education, and H.3461, which authorizes parents and other adult volunteers to ride school buses on a space available basis in conjunction with their volunteer activities. The subcommittee recommended a joint resolution to approve R.2164, a State Board of Education regulation which establishes the procedure to be used by the State Board of Education when it reviews decisions of local school boards concerning charter schools.

JUDICIARY

The Judiciary Committee discussed, at length, and voted to reconsider Joint Resolution H.3255 which proposes amending the South Carolina Constitution so as to abolish the office of Secretary of State effective July 1, 1999, and allow the General Assembly to decide how the duties of the office are to be devolved onto other constitutional offices. The committee tabled Joint Resolution H.3138 which proposes amending the South Carolina Constitution so as to provide a means by which voters could recall from office a state or local office holder in the legislative or executive branches who is popularly elected.

The Criminal Laws Subcommittee revisited H.3089, pertaining to the failure to wear seatbelts, and gave the bill a report of favorable with amendments. Subcommittee amendments provide a fifteen dollar penalty for a violation and a twenty-five dollar maximum penalty for any single incidence. The amendment allows for primary enforcement of the seatbelt law where the violator is under the age of eighteen. Primary enforcement allows an

officer to stop a vehicle for a failure to wear seatbelts in the absence of any other violation. Failure to wear a seatbelt is not admissible as evidence in a civil action.

The Constitutional Laws Subcommittee gave a report of favorable with amendment to H.3397 which imposes various limits on local governments' ability to create or raise taxes and fees. The bill provides that a local governing body may not impose a new tax after December 31, 1996, unless specifically authorized by the General Assembly. By ordinance adopted by a positive majority vote, a local governing body may impose a business license tax or increase the rate of a business license tax. By ordinance adopted by a positive majority vote, a local governing body may charge and collect a service or user fee. No local governing body may increase taxes or uniform service charge rates (excluding utilities) above the rates imposed for such purposes for the prior tax year. Rates may be increased only by the percentage increase in the consumer price index based upon the southeastern average. The bill also details certain exceptions when rates may be increased, including such scenarios as a rate increase needed to offset a prior year's deficit or to respond to a natural or environmental disaster. Millage rate limitations may be overridden by a positive affirmative vote of the local governing body. A local governing body is authorized to impose via ordinance adopted by a positive majority vote, an accommodations tax not to exceed 3%. By the same method, a local government is authorized to impose a hospitality tax, not to exceed 2%, on meals and beverages served in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine. No local government may impose a fee or tax on the transfer of real property without the authorization of the General Assembly. Certain restrictions apply to expenditures of funds generated by the accommodations and hospitality taxes. Amendments authorize a county governing body to impose a 1% sales and use tax by ordinance, subject to a referendum, within the county area for specific purposes and for a limited amount of time to collect a limited amount of money. Revenues generated by this means may be expended on such capital improvements as roads, bridges, libraries, sewers, flood control projects, etc.

The Election Laws Subcommittee gave a report of favorable with amendment to H.3036 which establishes a procedure for early voting in statewide general elections and their nominating primaries by allowing an elector to cast a vote, in person, at a county board of registration or extension office. The amendment proposed by the subcommittee would allow such voting to take place during the week preceding the election or primary, and during the four days preceding a run-off. The subcommittee reported favorably on three other bills. H.3507 provides that statements of intention to run as a candidate for the General Assembly must be filed with the county election commission rather than the county executive office of one's political party. H.3418 provides a procedure by which a sheriff may be elected in a nonpartisan fashion. S.224 requires the State Board of Canvassers to meet for the purpose of hearing appeals fourteen days following the filing of notice.

The General Laws Subcommittee reported favorably on S.33 which regulates the use of locked hospitality cabinets in rooms of hotels and inns. The subcommittee gave a report of favorable with amendment to H.3541 which provides that copies of, rather than original, photographs, x-rays, and other medical evidence of suspected child abuse must be sent to the Department of Social Services when a report of suspected child abuse is made. The subcommittee gave a report of favorable with amendment to H.3366 which provides civil and criminal immunity for law officers who take a child into emergency physical custody or emergency protective custody.

The Special Laws Subcommittee gave a report of favorable with amendment to H.3275, "The Prison Overcrowding Relief Act of 1997," which authorizes the Department of Corrections to use tents to house prisoners eligible for minimum custody confinement or work release. County jails and detention facilities may also make use of tents to house prisoners convicted of nonviolent offenses. Facilities which are authorized to make use of tents may not release prisoners for reason of overcrowding unless tents have been utilized to house eligible prisoners. Tents are subject to review by the State Fire Marshal and the Department of Health and Environmental Control to ensure their safety. Amendments proposed by the subcommittee authorize the use of temporary structures other than tents. Amendments also authorize local officials to formulate standards for temporary facilities which must be approved by a majority in the county governing body. Amendments also eliminate the bill's repeal of jail and prison inspection programs.

LABOR, COMMERCE AND INDUSTRY

The Labor, Commerce and Industry Committee gave a favorable report, with amendments, to H.3175 which requires counties and municipalities to adopt the latest version of national, regional, or model building codes and establishes a procedure by which a political subdivision may apply for a temporary exemption. The bill creates functions, duties, and registration for building code enforcement officers and requires that the first one hundred seventy-five thousand dollars of the premium tax levied on fire insurers must be used for implementing training, certification, and continuing education for these officers. The bill also revises the composition of building codes councils, the manner in which counties and municipalities adopt and enforce codes, penalties for violations, and the responsibilities of fire marshals. The committee reported favorably on H.3470 which makes technical changes so as to conform the Amusement Rides Safety Code to the Government Restructuring Act of 1993. The committee tabled H.3106 which requires, with certain exceptions, that employers grant up to twelve hours per year in leave for employees to attend school conferences and activities.

The Business and Commerce Subcommittee gave a report of favorable with amendments to H.3274 which enhances the state's "Right to Work" laws. The bill broadens the scope of such laws so as to subject to penalties not only employers, but also any person or labor organization who engage in practices which have the effect of requiring an employee to become or remain a member of a labor organization or pay any dues, fees, or charges to a labor organization. The Department of Labor, Licensing and Regulation is granted investigatory powers in disputes regarding alleged violations of "Right to Work" laws. A private cause of action is created for individuals denied employment in violation of "Right to Work" provisions. Amendments proposed by the subcommittee set civil and criminal penalties for violations which mirror those used for enforcement of "payment of wages" and "child labor" laws. The subcommittee reported favorably on H.3381 which recodifies the enabling statute of the South Carolina Board of Architectural Examiners so as to bring it into conformity with the uniform organizational and administrative framework for professional and occupational licensing boards established for the Department of Labor, Licensing, and Regulation in 1996. The subcommittee also reported favorably on H.3439 which regulates the sale of " regrooved " and " regroovable " tires by codifying in state law existing federal standards. The subcommittee gave an unfavorable report to H.3092 which eliminates the requirement that a private detective employed by a licensed detective business must be a citizen of the United States.

The Real Estate Subcommittee gave a report of favorable with amendments to H.3177 which requires a general contractor's license for any marine construction which is to be undertaken in bodies of salt water where the cost of construction is at least ten thousand dollars. The subcommittee gave an unfavorable report to H.3259 which increases from thirty thousand to forty-five thousand dollars the minimum cost of undertakings which require a general contractor's license and increases from seventeen thousand five hundred to thirty thousand dollars the minimum cost of undertakings which require a mechanical contractor's license.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Local Government and Corrections Affairs Subcommittee gave a favorable recommendation to H.3292, a bill authorizing municipalities to demolish certain substandard housing. Currently, municipalities and counties have the statutory authority to require the owner of a substandard house to demolish the building if it constitutes a public nuisance. If the property owner fails to comply with the order to demolish, the municipality or county has the statutory authority to have the substandard house demolished. This bill would allow the demolition costs to be placed as a lien on the property and collected in the same manner as a tax. The subcommittee amended the bill to require municipalities and counties to follow the procurement code and bid the work if the municipality or county contracts with a third party to do the demolition.

WAYS AND MEANS

The Revenue Policy subcommittee gave a favorable recommendation with amendments to H.3611, which enacts the *South Carolina Comprehensive Infrastructure Development and Financing Act*. This bill establishes an infrastructure planning process to coordinate planning for transportation, water and sewer, and communication systems at the local, regional and state levels, and provides a mechanism for funding the priority projects established through this process.

The full Ways and Means Committee amended the bill further and reported it out favorably as a committee bill. The Ways and Means bill creates a state program and a unit of government - the Division of Regional Development (the DRD) - within the SC Budget and Control Board to coordinate and assist in infrastructure planning at the local, regional and state levels and to coordinate the funding related to infrastructure, and also creates the SC Infrastructure Bank to provide financial assistance for infrastructure projects. The bill outlines the responsibilities and powers of the DRD which include administering the Infrastructure Bank; providing training and other assistance to local governments and Regional Councils of Government to create and develop infrastructure plans; developing a state infrastructure plan from the regional plan; working with and coordinating state agency actions and programs that impact infrastructure development; identifying and coordinating public funds used by State agencies to help support infrastructure development to ensure that funding decisions are consistent with the infrastructure plans; administering the SC Infrastructure Bank.

The bill also establishes the State Council for Regional Development, which serves as an advisory/consultative body to the DRD and which consists of 7 voting members (Chairman of Department of Transportation Commission, Secretary or designee of Department of Commerce,

one member appointed by the Governor, two members appointed by the Speaker of the House, two members appointed by the President Pro Tempore of the Senate) and 4 non-voting members (Directors or designees from DHEC, Natural Resources, and PRT, as well as one member selected and recommended by the SC Association of Regional Councils of Government). The Governor selects the Chairman.

The SC Infrastructure Bank will include, but not be limited to, the state highway account, state transit account, federal highway account, and the federal transit account. The bank will also be capitalized by contributions and donations from public or private sources, principal and interest on loans made from the bank, and earnings on the investment of the bank monies. Funds (i.e., state and federal) may not be commingled. Estimates of funding sources for the bank for 1997-98 include: Up to 10% of federal funds (up to \$25 million); one cent of gas tax (\$20.6 million); interest on highway and economic development funds (\$6 million); and truck licensing fees, effective 1998-99, 3 year phase-in (\$46.7 million). The bank, governed by the Budget and Control Board and administered by the DRD, will be allowed to make loans, issue bonds, enter into contracts, and establish policies and procedures for administering loans and maintaining fiscal control.

The bill outlines criteria for making loans under the bank. Terms of the loan may not exceed the useful life of the project or 25 years. The Board will determine which projects are eligible, and those projects will be submitted to the Joint Bond Committee for review and approval. From the list of eligible projects, the Board will then select those projects qualified to receive loan or other financial assistance from the bank using, but not limited to, the review criteria provided in the bill.

The Regional Councils of Government (COGs) will act as liaison between the political subdivisions and the DRD. They will assist the political subdivisions in creating and developing local comprehensive infrastructure plans and will recommend standards and procedures for developing, preparing and implementing these plans. The COGs will also assist the DRD in planning on the state level and will assist in implementing the state's long-term goals, objectives, and priorities.

The full Ways and Means Committee also recalled H.3312, the Bond Bill, from subcommittee to be considered at the next meeting of the full committee.

BILLS INTRODUCED

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

H.3619 UNLAWFUL HUNTING ON LAKE WATEREE Rep. Wilkes

Current law prohibits the hunting of migratory waterfowl on Lake Murray within two hundred yards of a dwelling without written permission of the owner and occupant. This bill states that the prohibition applies to Lake Wateree as well.

H.3623 WASTE TIRE MANAGEMENT Rep. Sharpe

This bill amends the Solid Waste Policy and Management Act by distinguishing between "collection", "disposal", "processing", and "recycling" related to facilities managing waste tires. The bill also revises the tipping fee on oversized waste tires, refines the retailer-wholesaler refund program, and makes other changes concerning waste tire management.

S.106 TAKING MARINE LIFE FOR EXPERIMENTAL PURPOSES Sen. Passailaigue

This bill authorizes the Department of Natural Resources to issue permits for marine life holding and propagation facilities if the marine life is used for experimental or scientific purposes. The bill also allows horseshoe crabs to be held in facilities approved by the department.

EDUCATION AND PUBLIC WORKS

S.308 LICENSE PLATES AND REVALIDATION DECALS Sen. McGill

This bill amends current law relating to refusal to renew motor vehicle license and registration for non-payment of property taxes. The bill provides that the Department of Public Safety shall issue biennial license plates and revalidation decals to motor vehicle owners for the tax year to which personal property taxes and biennial fees have been paid. Current law provides that the Department of Public Safety issue these plates and decals to the county treasurer or the county tax collector, who then issues them to the motor vehicle owner.

S.416 EVALUATION OF & PERFORMANCE STANDARDS FOR SCHOOL PRINCIPALS Senate Education Committee

This bill amends the current process for evaluation of and training for school principals. The bill requires that the State Board of Education (the Board) promulgate regulations for the evaluation of the performance of all principals based on criteria adopted by the Board through the State Department of Education (SDE), and the SDE shall ensure that the criteria and standards are valid and reliable. The bill deletes the requirement that the SDE validate that evaluations have been conducted as required. The bill requires that evaluation results must be provided in writing and a professional development plan established based on the principal's strengths and weaknesses and considering the school's strategic plan for improvement for the purpose of improving the principal's performance. The bill deletes the current requirement that any principal whose performance on an evaluation is rated unsatisfactory shall complete a certain training program. The bill also requires that the SDE review the implementation of the principal evaluation in the school districts for the purpose of providing technical assistance and ensuring that the evaluations are appropriately administered. The bill also provides a phase-in schedule for implementation of the bill's requirements, which goes through 1999-2000 school year when statewide implementation is to be in place.

H.3652 REGULATION OF PRIVATE SCHOOL BUSES Rep. Beck

This bill provides that, after June 30, 1998, all school buses purchased and operated by a private school, or operated under contract for a private school, must conform to state laws and regulations of the State Board of Education with respect to painting, lettering on the front and rear of the bus, use of stop arm and warning lights for loading and unloading pupils on the highway, maximum speeds and stopping at railroad crossings. The bill also provides that while

all buses purchased and operated by a private school or operated under contract for a private school after June 30, 1998, shall conform to state laws and regulations of the State Board of Education with respect to use of stop arm and warning lights for loading and unloading pupils on the highway, buses that do not comply with the requirements regarding painting, lettering on the front and rear of the bus, maximum speeds and stopping at railroad crossings must be painted a color other than yellow and are not entitled to the privileges and protection of a school bus operating on the highways of South Carolina.

H.3658 SELECTION OF PUBLIC SCHOOL TEXTBOOKS Rep. Loftis

This bill establishes a procedure for the State Board of Education to add textbooks to the list of textbooks which are approved for use in South Carolina's public schools. The bill provides that in addition to any other method of textbook selection, the State Board of Education shall add to that approved list any textbook or series of textbooks requested in writing during a 365 day period by: the superintendent of two or more different school districts; 10 or more teachers from at least 5 different school districts who teach and are certified to teach the courses encompassed by the textbooks requested. A textbook so required to be added must be added within 30 days following the receipt by the state board of the requisite number of requests, and no designation shall be included on the approved list which indicates in what manner any textbook was added to the list.

JUDICIARY

H.3618 REAL ESTATE TRANSFER FEES Rep. Haskins

This bill requires local governing bodies which, beginning July 1, 1994, assessed and collected real estate transfer fees, but failed to remit them to the State Treasurer to refund those fees to the persons who paid them. Real estate transfer fee funds remitted State Treasurer or withheld from Aid to Subdivisions must be returned to local subdivisions to be refunded.

H.3621 ASSAULTING A SPORTS OFFICIAL Rep. Harvin

This bill makes it a misdemeanor to physically assault a sports official at any level of competition within the confines or immediate vicinity of the athletic facility where the official has played an active role in a sports contest. A violation is punishable with a fine of ten thousand dollars and/or imprisonment not to exceed three years.

H.3622 LIMITS ON CIVIL LIABILITY FOR SPORTS OFFICIALS Rep. Harvin

This bill provides sports officials limited immunity in civil actions for injuries or damages which are claimed as a result of actions or inactions performed in the course of officiating in an athletic contest. Sports officials are still liable for actions or inactions which are intentional, wilful, wanton, reckless, malicious, or grossly negligent.

H.3628 CENTRAL REGISTRY FOR CHILD ABUSE AND NEGLECT Rep. Kelley

This bill requires a court to order that the name and other identifying information of a defendant who is convicted of or pleads guilty or *nolo contendere* to offenses which involve sexual or physical abuse of a child be entered into the Central Registry of Child Abuse and Neglect maintained by the Department of Social Services. At any time following a report of child abuse or neglect, DSS is authorized to petition a family court for an order directing that a person

named as perpetrator be entered into the Central Registry. DSS must seek such a court order when it finds that there is a preponderance of evidence that a perpetrator committed sexual abuse. Information on less clear-cut cases where there is a preponderance of evidence that a child was abused and some evidence that the subject of the report was the perpetrator may be retained by DSS outside of the Central Registry as a Category II unfounded report.

S.251 *CONTESTED AND PROTESTED ELECTIONS* Sen. Lander

This bill provides that the state executive committee hear protests and contests of State Senate and State House elections. The State Election Commission must pay for the cost of the court reporter and transcript for state executive committee hearings of protested and contested elections.

S.29 *TAKING OF A HOSTAGE BY AN INMATE* Sen. Holland

This bill designates the taking of a hostage by an inmate as a violent crime, a most serious offense, and Class A, rather than a Class C, Felony.

S.284 *VACANCIES IN STATE BOARDS AND COMMISSIONS* Sen. Leventis

This bill charges the Secretary of State with the responsibility of monitoring all elected or appointed state boards and commission so as to ascertain when vacancies occur and to publicize these vacancies on a quarterly basis.

H.3642 *GARNISHING WAGES FOR FRAUDULENT CHECKS* Rep. Davenport

This bill authorizes a court to garnish the wages of an offender to satisfy a fraudulent check, draft, or other written order drawn upon a bank or depository.

H.3649 *CONFEDERATE HISTORY AND HERITAGE MONTH* Rep. Sharpe

This bill designates the month of April as "Confederate History and Heritage Month."

LABOR, COMMERCE AND INDUSTRY

H.3616 *HOSPITALIZATION FOR MASTECTOMIES* Rep. Meacham

This bill requires health insurers who provide coverage for hospitalization for mastectomies to cover hospitalization for at least forty-eight hours for a mastectomy if considered medically necessary by the attending physician.

S.16 *HOSPITALIZATION FOR MASTECTOMIES* Sen. Short

This bill requires health insurers who provide coverage for hospitalization for mastectomies to cover hospitalization for at least forty-eight hours following a mastectomy. A physician may release a patient before expiration of this mandatory minimum time limit. In the case of an early release, coverage must include at least one home care visit unless the patient waives such visits.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.3617 PROHIBITION ON CLONING HUMAN BEINGS Rep. Mason

This bill prohibits a person from cloning or conspiring to clone a human being by any method. Any person violating the provisions of this bill is guilty of a felony and, upon conviction, must be fined up to five thousand dollars or imprisoned for a term up to five years, or both.

S.358 OPTOMETRISTS Sen. Bryan

This bill rewrites the provisions of the code relating to optometrists to conform the chapter to the statutory and administrative framework for professional and occupational boards. The bill also clarifies that therapeutically-certified, optometric education courses may be taken while attending school rather than after graduation.

WAYS AND MEANS

H.3620 EQUALIZATION OF FUNDING FOR PUBLIC SCHOOL DISTRICTS Rep. Harvin

This joint resolution proposes an amendment to the South Carolina Constitution to provide that the General Assembly by law shall provide for the manner in which funding of all public school districts must be equalized.

H.3624 INCOME TAX CREDIT FOR EMPLOYMENT OF A PERSON WHO RECEIVED CERTAIN FINANCIAL ASSISTANCE Rep. Harrell

This bill, relating to income tax credit for employment of a person who received financial assistance through Aid to Families with Dependent Children, substitutes "family independence payments" for references to "Aid to Families with Dependent Children." The bill also provides that an employer's request for documentation of an employee's eligibility for such payments shall be requested of the SC Department of Social Services by the 15th day of the first month after the end of the taxable year of the employer in which the family independence payment recipient was hired (current law provides that such documentation shall be requested of the SC Employment Security Commission in writing within five days of employment.) The bill also defines "family independence payments" as financial assistance under Part A, Title IV, the Social Security Act.

H.3625 CORPORATE INCOME TAX CREDIT FOR CONSTRUCTION/IMPROVEMENT OF INFRASTRUCTURE PROJECT Rep. Harrell

H.3625 relates to current law concerning corporate income tax credit for construction of or improvement to an infrastructure project. The bill redefines "infrastructure project," as it relates to this bill, as "water lines, sewer lines, roads, and related facilities, to the extent they do not directly or indirectly benefit the taxpayer, are built to applicable standards, and are dedicated to public use. In the case of water and sewer lines and related facilities in areas served by a private water and sewer company, the water and sewer lines may be deeded to a qualified private entity instead of being dedicated to public use." The bill also defines "direct or indirect benefit to the taxpayer" and provides a more specific definition of a "qualified private entity" and a "related taxpayer." The bill provides that the tax credit may not be claimed before dedication or conveyance of the infrastructure project. (Current law allows the credit to be claimed before dedication or conveyance if the taxpayer submits with its tax return a letter of intent signed by the CEO of the appropriate entity stating that upon completion the entity shall accept the infrastructure project for the appropriate use.)

The bill also provides that if, within ten years of claiming the tax credit, a road that is part of the infrastructure project qualifying for the credit is removed or planned to be removed from the state highway or public road system, the amount of credit allowed for the construction of the road must be added to corporate income tax due from the taxpayer in the first taxable year following the removal of the road from public use. Current law makes this provision applicable with no time limitation if a road that qualifies for the credit is removed from the state highway or public road system. Current law does not provide for a road that is planned to be removed. The bill also deletes current provisions which allow an income tax credit to a corporation on a consolidated basis.

H.3626 TOURISM INFRASTRUCTURE ADMISSIONS TAX ACT Rep. Harrell

This bill repeals and rewrites current law relating to funding additional infrastructure improvements with a portion of admissions taxes paid to certain tourism and recreation facilities. The bill provides for the fund into which these revenues must be deposited, how the funds may be used, and eligibility requirements for participation. The bill defines a "benefit period" as a 15 year period commencing on the first day of the first month after the date on which the SC Department of Revenue approves the "certification application" submitted by a county or municipality to the department requesting that the department approve a major tourism or recreation facility or area for infrastructure improvements. The bill provides that one year after the end of the benefit period, the Advisory Coordinating Council for Economic Development, after consultation with the Department of Parks, Recreation, and Tourism, may use the funds for any infrastructure in the state which it determines will aid tourism. The bill also provides that the certification application must be filed within one year after the end of the 5 year investment period.

S.135 UNIFORM ASSESSMENT RATIOS Sen. McConnell

This bill provides that property in which the occupant has an interest pursuant to an installment contract for sale with the US Department of Veterans Affairs, or its assignee, is eligible for the assessment ratio currently provided to certain legal residences pursuant to SC Code of Laws, 1976, Section 12-43-220(c); and is eligible for general *ad valorem* property tax exemptions, the homestead exemption to taxpayers 65 or over or those totally and permanently disabled or legally blind, and the general homestead exemption provided under current law, so long as the additional requirements for these exemptions, other than the ownership requirements, are also met. The bill also entitles a person (upon application to the county assessor's office) who has an interest in property pursuant to an installment contract for sale with the Veterans Administration of the United States and who is qualified by certain exemptions provided under current law, to a refund of the difference between the amount of tax actually paid and the amount of tax due if the property had been assessed pursuant to current relevant provisions of law.

S.157 DEFINITIONS FOR PURPOSES OF STATE INCOME TAX Sen. Passailaigue

This bill amends current law concerning application of the federal *Internal Revenue Code* to State tax law by updating the reference whereby South Carolina adopts provisions of the *Internal Revenue Code of 1986*.

**S.188 PUBLIC ENTITIES' DELINQUENCY OF PAYMENTS TO
STATE INSURANCE PLAN** Sen. Drummond

This bill provides that if an entity participating in the state health and dental insurance plans (i.e., counties; certain regional tourism promotion commissions; certain county mental retardation boards; certain regional councils of government; certain regional transportation authorities; certain alcohol and drug abuse planning agencies; certain special purpose districts; municipalities; certain county councils on aging; certain community action agencies; and certain residential group care facilities providing on-site teaching for residents) is delinquent in remitting proper payments to cover its obligations, the Office of Insurance Services of the State Budget and Control Board shall certify the delinquency to the department or agency of the State holding funds payable to the delinquent entity, and that department or agency shall withhold from those funds an amount sufficient to satisfy the unpaid obligation and shall remit that amount to the Office of Insurance Services in satisfaction of the delinquency.

H.3637 JOB TAX CREDIT Rep. R. Smith

This bill amends current law concerning job tax credits by providing that a taxpayer who makes a capital investment of at least \$20 million at a single site within a three year period may elect to have the number of new and additional new full-time jobs determined by comparing the monthly average number of full-time jobs subject to SC income tax withholding at the site for the taxable year with the monthly average for the prior taxable year. The calculation of new and additional jobs is allowed for a five year period commencing in the year in which the \$20 million of capital investment is completed.

H.3648 SC ECONOMIC DEVELOPMENT AUTHORITY Rep. Wilkins

This bill creates the SC Economic Development Authority (the Authority), whose purposes include: promoting industrial development, private business and commercial enterprise, international investment development, and the utilization and investment of capital in the state; assisting the development of existing state and interstate trade, commerce, and markets for SC goods and in the removal of barriers to industrial, commercial, and agricultural development of SC; and assisting in ensuring employment stability and increase in employment opportunities for South Carolinians, and devising ways and means to raise the living standards of South Carolinians. The bill delineates the powers of the Authority, which is to be headed by a director who is appointed by, and serves at the pleasure of, the Governor. At the pleasure of the Governor, the Secretary of Commerce may serve as the director of the Authority, and if so, shall serve as director, *ex officio*. The director is empowered to oversee, manage, and control the operation, administration, and organization of the Authority, and the director may appoint an assistant director who shall serve at the director's pleasure.

H.3650 CHILD SUPPORT, PUBLIC AID & ASSISTANCE Rep. Felder

This comprehensive bill amends numerous sections of current law concerning child support and public aid and assistance, and adds, deletes, and repeals other provisions to conform to the Family Independence Act of 1995. The bill adds a section to the current *Children's Code* providing procedures for the Department of Social Services to use when issuing a notice of financial responsibility to an obligor who owes child support. The bill changes current references to "Aid to Families with Dependent Children" (AFDC) to "Family Independence." The bill changes health insurance requirements for employers to obtain income tax credit by providing that the employer, in order to obtain the credit, must make available health care coverage paid for in part or in whole by the taxpayer for the benefit of each qualified employee

for which the credit is earned. Current law provides that the taxpayer must make available full individual or participating family health care coverage for the benefit of each such qualified employee. Also, the bill provides that this credit only is allowed for full months in which the employer provides healthcare coverage for the employee. The bill revises procedures for employers to obtain information on the availability of potential employees by providing that the employer shall request in writing documentation as to Family Independence (formerly AFDC) eligibility from the Department of Social Services (DSS) no later than 60 days prior to the taxpayer's income tax filing date. DSS then has 30 days in which to approve or deny, in writing, certification of Family Independence eligibility. Current law provides different time constraints for this provision, and requires that this information be requested from and supplied by the SC Employment Security Commission rather than DSS. The bill revises the definition of "license" with regard to revocation of licenses for nonpayment of child support by including in the definition "the privilege to hunt, fish, or trap or hold a hunting, fishing, or trapping license for commercial use." The bill revises the form in which licensing entities must provide information to DSS for child support enforcement by providing that the required information must be submitted in the manner and form prescribed by the Child Support Enforcement Division of DSS. The bill amends current law concerning hearings on child support obligations by providing that if an obligor has been afforded less than 30 days notice of a negotiation conference, the conference must be rescheduled, and notice of any rescheduled or subsequent hearing must be served on the obligor not less than 10 days before the date stated in the notice of hearing. If the obligor fails to appear for a rescheduled negotiation conference and fails to request a court hearing before the date of the rescheduled negotiation conference, the division shall issue an order of default. The bill amends current law relating to enforcement of support obligations of absent parents by revising the definition of an applicant for Family Independence benefits as an applicant "who has a child or children whose parent is alive but not residing in the home." The bill also changes the current requirement that an applicant who has been employed for 12 of the previous 24 months or who has graduated from high school or who has obtained a GED must be considered job ready and must be enrolled in a job club by making this enrollment optional rather than mandatory. The bill also establishes additional goals relating to state agencies employing welfare recipients, and provides that a minimum goal of 40% Family Independence participation in Job Training Partnership Act Title II-A programs must be established by the Governor's Job Training Council and the local Private Industry Councils. The bill makes participation in family skills training programs based on need as determined by the case manager, rather than required as a condition of eligibility as provided in current law. The bill also exempts one licensed vehicle per licensed driver from the asset limit for Family Independence participants in work or training.

H.3651 CHILD SUPPORT LAWS Rep. Felder

This bill amends South Carolina law relative to the enforcement of child support for purposes of remaining eligible for federal funding under Title IV-D of the Social Security Act. The bill amends current law to, among other things, require the collection and use of social security numbers on certain state-issued documents and applications; provide authority for the imposition of administrative liens in child support cases; enhance the information requirements of the parties to a paternity or child support action; enhance procedures establishing paternity; conform South Carolina's Uniform Interstate Family Support Act to changes made by the National Conference of Commissioners on Uniform State Laws; enhance income withholding; provide authority for the Department of Social Services to administratively change the payee in Title IV-D child support cases; provide authority for the issuance and enforcement of

administrative subpoenas; enhance the ability to void conveyances fraudulently conducted for purposes of avoiding payment of a child support obligation; eliminate the payment of a child support disregard check in accordance with the elimination of federal financial participation in the same; require employers, state and local agencies, financial institutions, and utility companies to provide certain information necessary for the establishment or enforcement of child support obligations; establish a mandatory new hire reporting program, and establish a state registry of child support cases.

H.3653 DISCOUNTS FOR PAYMENTS OF SALES AND USE TAX Rep. Littlejohn

This bill amends the discount allowed for timely payments of the sales and use tax by increasing the discount allowed on returns with less than \$100 due from 3% to 3.25%, and by increasing the discount allowed on returns with \$100 or more due from 2% to 2.25%.

**H.3654 PROPERTY REQUIRED TO BE TITLED BY A STATE
OR FEDERAL AGENCY** Rep. Bauer

This joint resolution proposes a constitutional amendment which would establish a new class of property for purposes of the property tax, consisting of personal property required to be titled by a state or federal agency (not including units of manufactured housing). This property would first be assessed at the rate of 9-1/2% of fair market value, declining to a permanent rate of 6% over three years.

H.3655 SALES TAX ON BOAT & BOAT TRAILER Rep. Bauer

This bill amends current law concerning maximum tax on the sale or lease of certain items by providing that a boat and trailer which is sold at the same time as and is included in the sale of a boat to the same purchaser, is to be taxed as a single sale.

FOOTNOTE

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (WWW.LPITR.STATE.SC.US) and click on the "Quick Find Guide." On the next screen, click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need.